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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,667	08/19/2003	Kevin C. Williams	1327.00035	5752

7590 11/10/2005

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EXAMINER

FRISTOE JR, JOHN K

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,667

Applicant(s)

WILLIAMS ET AL.

Examiner

John K. Fristoe Jr.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 1, 6-8 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 and 6-20 have been considered but are moot in view of the new ground(s) of rejection. Applicants' argue that Lungu does not disclose a one-piece valve body. The examiner agrees, however after a further prior art search necessitated by the amendment to the claims a new rejection has been made to modify the valve body of Lungu by making it one-piece. Applicants' also argue that the latching assembly of Lungu is not integral with the valve body, the examiner disagrees. Lungu does disclose a latching assembly that is "integral" with the valve body since the latching assembly and valve body are attached to each other. Applicants' further argue that Guerrero does not teach a latching assembly that is integrally created with a valve body. The examiner is not relying on the manner in which the latching assembly is connected to the valve body; the examiner is relying on latching assembly taught by Guerrero. Lastly Applicants' state that the pass through passage of Lungu is not in fluid communication with the inlet, the examiner disagrees. The inlet of Lungu is in fluid communication with the pass through passage via conduit (58). Applicants' also state that claim 1 has been combined with claim 5 which was previously indicated as allowable if placed in independent form. However Applicants' failed to incorporate the intervening claims 2-4 as well as claim 5 into claim 1. The need to incorporate all the limitations of the intervening claims was stated in paragraph 6 in the previous Office action. Since the changes to the rejections were necessitated by Applicants' amendment this Office action has been made Final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,524,797 (Lungu) in view of U.S. Pregrant Publication No. 2002/067100 (Rieck et al.) as evidenced by U.S. Pat. No. 6,700,232. Lungu discloses a solenoid actuated pneumatic assembly comprising a valve body (5, 10), an inlet (57), an outlet port (58), a solenoid (3a), a pass through passage (conduit connected to pipe 70 in figure 10) that provides fluid to another valve assembly (figure 10), a latching assembly (62 and 69) integral with the valve body mounted in an aperture on a mounting plate (64), a valve bore (53), a valve member (4), a valve element (11a), a sealing surface (61), and a valve seat (56) but lacks the valve body being a one-piece. Rieck et al. teach a valve assembly having a one-piece valve body (col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the valve body of Lungu by making the valve body one-piece as taught by Rieck et al. since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Regarding the over-molded sealing surface recited in claim 8, the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113).

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1. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,524,797 (Lungu) in view of U.S. Pregrant Publication No. 2002/067100 (Rieck et al.) as evidenced by U.S. Pat. No. 6,700,232 and further in view of U.S. Pat. No. 6,301,113 (Guerrero). Lungu modified above, discloses a solenoid actuated pneumatic assembly comprising a valve body (5, 10), an inlet (57), an outlet port (58), a solenoid (3a), a pass through passage (conduit connected to pipe 70 in figure 10) that provides fluid to another valve assembly (figure 10), a latching assembly (62 and 69) integral with the valve body mounted in an aperture on a mounting plate (64), a valve bore (53), a valve member (4), a valve element (11a), a sealing surface (61), a valve seat (56), and a one piece valve body but lacks a retaining element having a first flanged element and a second flanged element. Guerrero teaches a latching assembly comprising a first flanged lip (22), a second flanged lip (24), a cavity (a space between the first and second flange), a first channel (30), a second channel (32), said flanged lips extend beyond the mounting aperture (figure 2), and a biasing latch member (the v-shaped portion above channels 30 and 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the solenoid actuated valve of Lungu by making the retaining element with two retaining flanges as taught by Guerrero in order to eliminate the need to bend the lugs to retain the valve on the mounting plate.

Allowable Subject Matter

2. Claims 12-19 are allowed.
3. Claims 2-4 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.
Examiner
Art Unit 3751

JKF



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11/6/05